

### **REMARKS**

Support for the polymerized mixture recited in amended Claim 5 is found in the specification in page 13, line 6.

As presently amended Claim 1 is directed to the embodiment of (presently cancelled) Claim 2. Also reciting the limitation of Claim 2 is newly added Claim 23.

The embodiment of the Claim 14 (presently cancelled) is presented in newly added Claim 24.

Claims 1, 3-6, 8-10 and 20-22 stand rejected under 35 U.S.C. 102(b) as anticipated by or in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 5,314,949 to Kozakura et al (Kozakura).

As presently amended the pending claims recite the limitation of original Claim 2, a claim that was deemed by the Examiner to be patentable over Kozakura. The rejection over Kozakura is therefore believed addressed and overcome.

Claims 1,3-6 and 8-22 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent 5,314,949 to Kozakura in view of U.S. Patent 5,871,570 to Koyama et al or U.S. Patent 5,258,432 to Ogoe et al.

As presently amended the pending claims recite the limitation of original Claim 2, a claim that was deemed by the Examiner to be patentable over Kozakura in view of each of the secondary references. The stated rejection is therefore believed addressed and overcome.

Claims 1, 3-6 and 8-22 stand rejected under 35 U.S.C. 102(b) as anticipated by or in the alternative, under 35 U.S.C. 103(a) as obvious over J2001226576 (the '576 document).

As presently amended the pending claims recite the limitation of original Claim 2, a claim that was deemed by the Examiner to be patentable over the '576 document. The stated rejections are therefore believed addressed and overcome.

Claims 1, 3-6 and 8-22 stand rejected under 35 U.S.C. 102(b) as anticipated by or in the alternative, under 35 U.S.C. 103(a) as obvious over Van Der Helder WO 99/57198 (Van Der Helder).

As presently amended the pending claims recite the limitation of original Claim 2, a claim that was deemed by the Examiner to be patentable over Van Der Helder. The stated rejections are therefore believed addressed and overcome.

Claims 1-22 stand rejected under 35 U.S.C. 102(b) as anticipated by or in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 6,423,766 to Itagaki (Itagaki).

Itagaki disclosed a flame retardant composition that contains polycarbonate, a rubbery graft copolymer, a phosphoric ester and polytetrafluoroethylene. The referenced polycarbonate is optionally branched (column 3, line 13) and the rubbery graft copolymer is disclosed broadly, per column 4, lines 2 et. seq., as one "prepared by grafting a composite rubber with one or more vinyl monomers".

The standard for anticipation is one of strict identity. To anticipate a claim for a patent, a single prior art document must contain all the essential elements of the claimed invention. Set against this standard Itagaki cannot reasonably be said to anticipate the claimed invention wherein poly(ester)carbonate component(s) are branched and where the graft copolymer is required to be based on other than polybutadiene.

The rejection alleging anticipation is submitted to be untenable.

Itagaki disclosed branching of the included polycarbonate a mere optional feature and evidently recognized no difference between linear and branched resins in the context of his invention. In contrast the present invention is predicated at least in part on the finding of surprising and unexpected advantages attributed to branched resins: Attention is called to the working examples described in the application in page 21 et seq. The examples and comparative examples show that polycarbonate compositions containing butadiene-free graft polymers and branched polycarbonate have better stress cracking resistance (ESC behavior) than do corresponding compositions wherein polycarbonate is linear. This finding is surprising in view of that corresponding compositions wherein the graft copolymer is polybutadiene-based show a contrasting performance - see comparative Examples V1 and V2 in the table on page 25.

Reconsideration of the rejection alleging obviousness in light of the above and its withdrawal are solicited.

Claims 1-22 stand rejected under 35 U.S.C. 102(a,e) as anticipated by or in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. 2003/0153658 to Seidel (Seidel).

This enclosed certified translation of the foreign priority document serves to avoid Seidel, address and overcome the rejection.

Claims 1-22 stand rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-20 of U.S. Patent 6,838,518.

The presently submitted Terminal Disclaimer is believed to address and overcome the rejection.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, Applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

By



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